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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, October 9, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	November 13, 2014

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Ricky H. Allamong, Professional Member, Vice Chairman
Justin Healy, Professional Member, Secretary
Christopher J. Whitfield, Professional Member
Michael Harrington, Sr., Professional Member
Lynn Rogers, Public Member
Curtis Rogers, Public Member
Joseph F. McCann, Public Member
Gilbert Emory, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Gayle MacAfee, Deputy Director
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

ALSO PRESENT

Donna Klimowicz, Real Estate Education Committee
Angela Emerson, SCAOR
Andy Taylor, Esq.
Esther Paul, Century 21
Tony Fisher
Leslie Byrne, Maggio Shields
Andrea Sampson, Next RE
Joseph Maggio, Maggio Shields
Louis Rizzo, Esq.
Amy Dettore, Berkshire Hathaway
Tommy Cooper, Cooper Realty
Rich Garrett
Monica LeBlanc, Next RE

Gina Bloom, Next RE

CALL TO ORDER

Mr. Staton called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

Mr. Harrington made a motion, seconded by Mr. L. Rogers, to approve the minutes of the meeting held on September 11, 2014. By unanimous vote, the motion carried.

NEW BUSINESS

Proposed to Deny Hearing for Tony Fisher

Minutes will be at the end of the regular meeting minutes.

Welcome New Member to the Commission – Curtis Rogers

Mr. Staton welcomed Mr. Curtis Rogers to the Commission.

Discussion and Review of Hearing Officer Recommendations

Amy Dettore – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Whitfield describing the sanctions. Ms. Dettore and her counsel were present at the Commission meeting. Mr. Louis Rizzo spoke on behalf of Ms. Dettore to the Commission about her recommendation. After discussion, Mr. Whitfield made a motion, seconded by Mr. Healy, to amend the Hearing Officer's recommendation to delete paragraph 3 since no discipline will be imposed and that Ms. Dettore will be flagged for audit in the 2014-2016 renewal period. By unanimous vote, the motion carried.

Carolyn Saints – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Healy describing the sanctions. After discussion, Mr. Healy made a motion, seconded by Mr. L. Rogers, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Vincent Ekuban – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

John Horton – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Healy describing the sanctions. After discussion, Mr. Whitfield made a motion, seconded by Mr. McCann, to amend the Hearing Officer's recommendation to suspend Mr. Horton's license for a minimum 14 day suspension or until such time he complies with 2010-2012 and 2012-2014 renewal periods and appears before the Commission. By unanimous vote, the motion carried.

Stanley Lesniak – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. L. Rogers, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Deborah Monaco – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Emory describing the sanctions. After discussion, Mr. Emory made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Frank Vassallo – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. Mr. McCann made a motion, seconded by Mr. Allamong, to amend the Hearing Officer's recommendation to 14 day suspension. By vote the motion failed. Going back to the original motion to accept the Hearing Officer's recommendation and the by a vote of 4 to accept and 5 opposing the motion failed. Mr. McCann made a motion, seconded by L. Rogers, to amend the Hearing Officer's recommendation to suspend Mr. Vassallo's license for 14 days. By unanimous vote, the motion carried.

Thomas Cooper – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. Mr. Cooper was present and addressed the Commission regarding the recommended penalty. After discussion, Mr. Whitfield made a motion, seconded by Mr. Harrington, to amend the Hearing Officer's recommendation with amendment that Mr. Cooper be suspended and stayed for probation for 30 days and recognize modules 1 and 3 as satisfying the deficiency. Mr. Cooper will be flagged for audit for 2014-2016 renewal period. By unanimous vote, the motion carried.

Benjamin Jacobson – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Emory describing the sanctions. After discussion, Mr. Emory made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Jose Gonzalez – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Mr. Harrington made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motions carried.

Esther Paul – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Whitfield describing the sanctions. Ms. Paul was present at the meeting and addressed the Commission. After discussion, Mr. Whitfield made a motion, seconded by Mr. Harrington, to dismiss the Hearing Officer's recommendation as Ms. Paul brought in her certificates for 2010-2012 and 2012-2014. The Commission would like to have some kind of sanction but the Commission is not able to give a sanction on not showing up to the hearing. By majority vote, the motion carried with Mr. McCann opposing.

The Commission took a break from 10:11 a.m. to 10:20 a.m.

Education Committee Report

Ms. Klimowicz went through the Education Committee minutes with the Commission. They had 26 new courses approved, 2 instructor applications were approved one of which was denied because of the lack of experience based on the educational guidelines.

The Education Committee is recommending the Commission send out a letter to all course providers asking them to send in a more detailed course outline. Some providers give too much information and some providers do not provide enough information on the outlines.

The Education Committee has a member of the Committee that will be leaving but the Committee still has enough members per the rules and regulations.

The review of the audits has been started and the process is much smoother with the modules.

Mr. Whitfield made a motion, seconded by Mr. Allamong, to have the Education Committee send out an example of an outline to all course providers for getting their courses approved. By unanimous vote, the motion carried.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Harrington made a motion, seconded by Mr. Emory, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Whitfield made a motion, seconded by Mr. Harrington, to ratify the following applications for salespersons:

Jenna Di Francesco, Century 21 Gold Key Realty, Newark, DE
Paul Robert, Long & Foster Real Estate, Inc., Wilmington, DE
Catherine Bianchino, Patterson Schwartz Real Estate, Greenville, DE
Andrew Bodenstab, Keller Williams Realty, Christiana, DE
Nycole Conlon, Keller Williams, Dover, DE
Jeffrey Smith, RE/MAX Above & Beyond, Seaford, DE
Stephen Beaston, BHHS Fox & Roach, Newark, DE
Daniel Thomforde, RE/MAX Associates, Hockessin, DE
Gina Suiter, Patterson Schwartz, Greenville, DE
Jeremiah Clark, Lighthouse Realty Group, Ocean View, DE
Stephanie McHenry, Mann & Sons, Inc., Rehoboth Beach, DE
Andrew Bean, Olson Realty, Dover, DE
Bryan Hall, Long & Foster Real Estate, Inc., Bear, DE
Aiyana Sugerman, RE/MAX Sunvest Realty, Wilmington, DE
Stacy Gloster, Weichert Realtors, Chadds Ford, PA
Lindsey Brenna, Keller Williams Realty, Wilmington, DE
John Connelly, The Flynn Company, Philadelphia, PA
Lori Milton, Coldwell Banker Resort Realty, Milford, DE
John Heck, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Mark Hall, RE/MAX Crossroads of Ocean City, Ocean City, MD
Deborah Toumey, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Julia Trower, Keller Williams Realty, Christiana, DE
Danielle Perry, Keller Williams Realty, Christiana, DE
John James, Keller Williams Realty Central, Dover, DE
Francis Gilson II, RE/MAX Associates, Newark, DE
Daniel Black, Redfin Corporation, Conshohocken, PA
John Norris, RE/MAX Realty Group, Rehoboth Beach, DE
Craig Wetherby, NRT Phila, LLC, dba Coldwell Banker Preferred, Wilmington, DE
Donna Connelly, Ocean Atlantic Sotherby's, Rehoboth Beach, DE
Nicholas Smith, Long and Foster Real Estate, Wilmington, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

The Commission reviewed the salesperson's application of Neena Zafar. Mr. Whitfield made a motion, seconded by Mr. Allamong, to propose to deny Ms. Zafar's application on the basis of 24 Del. C. Sec. 2907(e). By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the broker's application of Pramedai Reed. Mr. Whitfield made a motion, seconded by Mr. Healy, to approve Ms. Reed's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Stephen Carvelli. Mr. Allamong made a motion, seconded by Mr. McCann, to approve Mr. Carvelli's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Conrad Heilman. Mr. Whitfield made a motion, seconded by Mr. Healy, to approve Mr. Heilman's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Arlene Richardson. Mr. Whitfield made a motion, seconded by Mr. Harrington, to table Ms. Richardson's application. Ms. Richardson will need to show verification of the day to day management as found in 2909(d). By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Andrea Schoenwalder. Mr. Whitfield made a motion, seconded by Mr. Harrington, to table Ms. Schoenwalder's application. Ms. Schoenwalder will need to show verification of the day to day management as found in 2909(d). By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Hugh Dugan for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. L. Rogers, to approve Mr. Dugan's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Melissa Perdue for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. L. Rogers, to approve Ms. Perdue's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Gina Bloom for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. L. Rogers, to approve Ms. Bloom's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Jessica Moore for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. L. Rogers, to approve Ms. Moore's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Linda White for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. L. Rogers, to approve Ms. White's reinstatement application. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of Movoto, Inc., for a new office. Mr. Allamong made a motion, seconded by Mr. Whitfield to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Sperry Van Ness Miller for a relocation of office. Mr. Allamong made a motion, seconded by Mr. Emory to approve the relocation of office application. By unanimous vote, the motion carried.

Ratification of Application of New Office

Mr. Whitfield made a motion, seconded by Mr. McCann, to ratify Ganc Commercial Realty, LLC for a new office. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-20-14 – Closed by Investigator

Complaint # 02-38-13 – Closed by Investigator

Discussion: Continuing Education Requirements

Mr. Whitfield made a motion, seconded by Mr. L. Rogers to table the discussion until the Commission's next meeting. By unanimous vote, the motion carried.

Discussion: Reinstatement - Licensees Extensions for Exams

Ms. Wagner explained to the Commission that once a licensee gets approval for reinstatement and they have to sit for exam(s), she has to send an approval letter. The approval letter grants the licensee 60 days to register and sit for the exam(s). Sometimes due to conflicts with scheduling or timing, licensees need to have the 60 days extended. Ms. Wagner will give up to a 60 days extension giving licensees a total of 120 days to sit for the exam(s). Ms. Wagner recently had a licensee that sat and passed one of the exams but did not pass the other and they had already been given the extension of 60 days. Ms. Wagner asked if what the Commission would like her to do about this situation since this had never happened before that she was aware of. After discussion the Commission asked Ms. Wagner to change the wording on the letter to the licensee advising that they will have a full year to sit and pass both exams and if they do not the licensees will need to re-apply for reinstatement and start the process over. Ms. Wagner will update the approval letter.

Discussion: Proposed Rule Concerning Auctioneers

Ms. Kelly asked Mr. Whitfield if he would be able to help her get the draft together. Mr. Whitfield stated that he would work with Ms. Kelly to get the draft written so that it could go to publication. Mr. Staton asked Mr. Whitfield to give an overview of what the proposed rule will be. The Committee came up with a rule that expands on the exception in the law for auctioneers. Mr. Whitfield made a motion, seconded by Mr. McCann, to approve the draft proposed rule for publication. By unanimous vote, the motion carried.

Correspondence

148th Legislative Memo from Director David Mangler

The Commission reviewed the letter from Director David Mangler and at this time the Real Estate Commission does not have any new legislation to work on. Ms. MacAfee asked the Commission if there would be any members that would be willing to be available in the case that bills get submitted that would require someone from the Commission to respond to and maybe have to come in front of the Legislators and give testimony. Mr. Staton mentioned that the Commission comes together depending on what the bill is about to decide who would be most knowledgeable about what is going on to send to Legislative Hall. Ms. MacAfee will make a note of that and thanked Mr. Staton.

Special Accommodations Approval for Ryan Davis

After review and discussion of Mr. Davis' application for special accommodations, Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Mr. Davis to sit for the exam a 4th time due to a medical reason as outlined in his special accommodations application. By unanimous vote, the motion carried.

Letter from John Kelly

Mr. Kelly is requesting the Commission to allow his request license to return to a lapsed/must reinstate status. Mr. Kelly did not want to renew his license as he does not do any business in Delaware; however someone in his office renewed his license for him when the expiration notice was sent to the office. Mr. Kelly was sent an audit notice and that is when he realized his license had been renewed.

After discussion, Mr. L. Rogers made a motion, seconded by Mr. McCann, to have Mr. Kelly go through the audit process. By unanimous vote, the motion carried.

Letter from Mr. Michael Salove

Mr. Salove wrote a letter to the Commission asking to be excused from appearing before the Commission as stated in his final order. In Mr. Salove's letter he states that he completed all required continuing education and submitted such; however the final order sent to Mr. Salove stated that he was to appear before the Commission to go over a make-up plan for the completion of the required continuing education and Mr. Salove decided to just complete the continuing education and ask to be excused from appearing. After discussion, Mr. L. Rogers made a motion, seconded by Mr. McCann, to deny Mr. Salove's request to be excused from appearing before the Commission and that his license continue in a suspended status until Mr. Salove appears before the Commission. By unanimous vote, the motion carried.

Special Accommodations Approval for Mary White

Mr. Staton made a motion, seconded by Mr. Harrington, to approve Ms. White contingent on her doctor filling out the special accommodations application in order for Ms. White to sit for the exam for the 4th time. By unanimous vote, the motion carried.

Discussion and Review of Consent orders

Robert Arlett

The Commission reviewed the consent agreement for Robert Arlett. Mr. Staton made a motion, seconded by Mr. Emory, to accept the signed consent agreement for Mr. Robert Arlett. By unanimous vote, the motion carried.

Andrea Sampson

The Commission reviewed the consent agreement for Andrea Sampson. Mr. Staton made a motion, seconded by Mr. Emory, to accept the signed consent agreement for Ms. Andrea Sampson. By unanimous vote, the motion carried.

Review of 2015 Calendar

The Commission reviewed the calendar for 2015.

OLD BUSINESS

Review and Signing of Hearing Officer Orders

Mr. Staton signed orders for:

Charles Howard
Jane Rurigi
Kenneth Chelland
William McColley
Mohammed Chowdhury
Christopher Murphy
Susan Welsh
Ryan Myers
Nancy Sproesser
Susan Stamm
Thomas Noden

Ratify Reinstatement Application for Amy Peitlock

Mr. Staton made a motion, seconded by Mr. Harrington, to ratify the reinstatement application for Amy Peitlock as on September's it was stated that no exams were needed and that was not the case. By unanimous vote, the motion carried. Ms Peitlock was required to sit for both exams and she has passed both exams.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

Ms. LeBlanc asked the Commission if they would approve a safety course to be given in lieu of what happened in Arkansas to be for module 7. The Commission stated that they have seen some safety courses being offered and some Commissioner's actually have their offices taking a safety course. The Commission would not be opposed to having a safety course being part of module 7; although the course would need to be submitted to the Education Committee for review and approval. Mr. Taylor stated that maybe a safety course could fall under module 5 as contemporary issues.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, November 13, 2014 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. Rogers, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:15 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

HEARING MINUTES

HEARING – REAL ESTATE COMMISSION PROPOSE TO DENY

The Delaware Real Estate Commission held a hearing on October 9, 2014 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Andrew Staton, Rick Allamong, Chris Whitfield, Justin Healy, Joe McCann, Gilbert Emory, Lynn Rogers, Michael Harrington Sr., Curtis Rogers

PURPOSE: Propose to Deny Licensure

PRESIDING: Andrew Staton, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

APPLICANT: Tony Fisher

APPLICANT WITNESSES: Joe Maggio, Broker, Leslie Byrne, Associate Broker, and Rich Garrett, Friend & owner of Midway Fitness

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzer

TIME STARTED: 9:00 a.m.

The court reporter took verbatim testimony. Ms. Kelly stated the reason for the hearing and stated that Mr. Fisher was present for the hearing. The Commission members introduced themselves for the record. Ms. Kelly entered documents as Board Exhibit 1, a packet with Mr. Fisher's application, letters and supporting documents. Mr. Fisher entered documents as Applicant Exhibits 1, military paperwork & 2, was Mr. Fisher's resume and gave his testimony to the Commission. The Commission members asked Mr. Fisher questions. Mr. Fisher had witnesses give testimony on his behalf. The Commission started deliberations at 9:20 a.m. Mr. Harrington made a motion, seconded by Mr. Emory, to grant a waiver to Mr. Fisher to be a licensed salesperson in Delaware. By unanimous vote, the motion carried. The hearing concluded at 9:30 a.m.